August 10, 2009

Dear Mr. Marx:

I have followed the Burlington Northern Santa Fe Intermodal project with great interest over the past few years. There are several questions which come to mind when hearing of this project.

Of particular interest to me is the potential risk of polluting the Hillsdale Lake wetlands and surrounding watershed both through direct pollution (water runoff) as well as indirect pollution from a variety of sources. We live about 3 miles from one arm of the Hillsdale Lake. We are long-time supporters of the Hillsdale Lake watershed efforts due to its importance in the ecological and economic impact of both Johnson and Miami Counties. Further, Hillsdale Lake is home to several pairs of nesting eagles, a federally protected bird, as well as a migratory path of millions of other birds throughout the year. What impact will pollutants have on the fragile ecology and ecosystem which support endangered species? How will runoff be reduced or mitigated? Will you require the project to have holding ponds to collect parking lot or toxic spills? Will there be a requirement for vegetation wetland areas to "scrub" and clean the runoff?

I retired after many years with the Johnson County Public Health Department, where we saw elevated blood levels of lead, especially in children, due to poisoning from the old Delco Plant. Thus I have seen first hand the deleterious effects from a "benign" operation many, many years after the initial exposure to toxic chemicals. There are scores of abandoned factory/production sites in Johnson County which have toxic levels of various components and chemicals, some of which have been designated toxic waste areas. Others will no doubt surface in years to come. Some were even government operations during World War II before such effects were even recognized. I grew up in an area which housed many oil refineries and they were required to have widely separated holding tanks surrounded by moat in the event of a spill. Will such safety concerns be addressed at the new facility?

While I was at the Health Department, I was responsible for helping to write the emergency preparedness plan for our department. As you are well aware, Johnson County is the site of many important businesses, production facilities and government operations which were a source of concern after 9/11. We wrote a plan which would respond to a semi exploding or spilling huge amounts of toxic substances in or near the vicinity of the Federal Air Traffic Controller's office in Olathe near I-35 as well as many other disturbing scenarios. We were also responsible for assisting in the event of evacuation or shelter-in-place requirements of nursing homes, hospitals, schools and other entities in the event of a semi accident, terrorist attack or release of toxic chemicals. As a result of thei bioterrorism response experience, I became familiar with the MSDS symbols on trucks and railroad cars. I spent a lot of time stopped by the railroad in Olathe on my way to the courthouse for meetings before the overpasses were built, so I had ample opportunity to peruse the contents of the rail cars as they went by. The railroads and semi trucks transport an immense amount of dangerous

chemicals annually and we hear of at least one toxic spill somewhere in the U.S. every few months.   However, we are more likely to be hit by a tornado event than a terrorist agent or accidental explosion.   Has a comprehensive emergency plan been devised in the event of a major explosion, terrorist event, or tornado which would destroy and thereby release chemicals, etc.? Such events need to be anticipated and one hopes the plans are never needed.   You cannot rely on small towns to provide the emergency response required for a massive toxic spill event.

There are some troubling questions I have regarding